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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,384	11/08/2000	James R. Hansen	11333-014001	2155
26161	7590	06/23/2004	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/708,384

Applicant(s)

HANSEN, JAMES R.

Examiner

Thong H Vu

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2000.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-75 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 08 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.3.5.6
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 1-75 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-75 are rejected under 35 U.S.C. § 103 as being unpatentable over fairchild et al [Fairchild 6,343,320 B1] in view of Sathyanarayan [6,691,106 B1].
3. As per claim 43, Fairchild discloses (a device embedded in) an apparatus for reporting the state of the apparatus to a remote computer, (the embedded device) comprising circuitry which:

detects the state of the apparatus [Fairchild, discovery of management devices, track the device state, col 6 lines 12-37];

generates a message that reports the state of the apparatus using a self-describing computer language [Fairchild, self-describing web agent, col 5 line 52-col 6 line 10; reporting purposes, col 6 lines 12-37]; and

sends the message to the remote computer [Fairchild, remote location, col 1 lines 14-29]

However Fairchild does not detail a device embedded (or attached) in an apparatus. It was well-known in the Internet art that a wireless device such as laptop,

PDA , Palm Pilot device could attached to a computer to transfer data to the network
[see Sathyanarayan, col 2 lines 45-col 3 line 31]

An Official Notice is taken that the XML or self-describing language could be embedded into the HTML page for audio control [see Danner, col 7 lines 43-65] as a well-known feature. It was clear that a device using HTML could be included XML code.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the technique of using a device attached to computer for transfer data to network as taught by Sathyanarayan into the Fairchild's apparatus in order to utilize the network management server. Doing so would provide a capability to management the portable devices via Internet.

4. As per claim 44, Fairchild-Sathyanarayan disclose the message comprises an electronic mail message [Fairchild, MIME, col 28 lines 10-23].

5. As per claim 45, Fairchild-Sathyanarayan disclose the message comprises a hypertext transfer protocol command [Fairchild, HTML, col 5 lines 7-21].

6. As per claim 46, Fairchild-Sathyanarayan disclose the state is indicative of an error condition in the apparatus [Fairchild, alert, col 6 lines 37-45].

7. As per claim 47, Fairchild-Sathyanarayan disclose the error condition comprises a variable that deviates from an acceptable value or a predetermined range of

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acceptable values [Fairchild, range of address, col 10 lines 2-14; range 0 through 59, col 23 lines 1-23].

8. As per claim 48, Fairchild-Sathyanarayan disclose detecting the state comprises receiving the state from the apparatus [Fairchild, Each NDP monitors status, col 6 lines 12-37; col 11 lines 30-55; col 23 lines 25-44; col 27 lines 25-45].

9. As per claim 49, Fairchild-Sathyanarayan disclose detecting the state comprises retrieving the state periodically from the apparatus [Fairchild, periodically send status information, col 11 lines 30-55; col 23 lines 25-44].

10. As per claim 50, Fairchild-Sathyanarayan disclose detecting the state comprises obtaining an identifier (i.e.: address) for the apparatus, the identifier relating to the state of the apparatus; and reading the state from the apparatus using the identifier [Fairchild, IP address, col 11 line 55-col 12 line 3; unique identifier, col 14 lines 5-40].

11. As per claim 51, Fairchild-Sathyanarayan disclose the circuitry determines if the state of the apparatus has changed [Fairchild, a state changed, col 14 lines 5-40]; and the message is generated if the state of the apparatus has changed [Fairchild, notify the user, col 7 lines 40-63].

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12. As per claim 52, Fairchild-Sathyanarayan disclose determining comprises comparing the state received from the apparatus to a previous state of the apparatus [Fairchild, compare a state change, col 20 lines 32-45].

13. As per claim 53, Fairchild-Sathyanarayan disclose the self describing computer language comprises eXtensible Markup Language (XML) as inherent feature of self-describing web agent.

14. As per claim 54, Fairchild-Sathyanarayan disclose the message is generated using a predefined template, the message being generated by obtaining one or more variables relating to the apparatus; and inserting the one or more variables into the template [Fairchild, a common form, col 5 lines 37-50; col 6 lines 12-37; an desirable form, col 20 lines 10-15].

15. As per claim 55, Fairchild-Sathyanarayan disclose the state of the apparatus is included as part of a body of the message [Fairchild, the TCP message body, col 28 lines 10-22].

16. As per claim 56, Fairchild-Sathyanarayan disclose the state of the apparatus is included as part of an attachment to the message as inherent feature of message.

17. As per claim 57, Fairchild-Sathyanarayan disclose the circuitry comprises a memory which stores executable instructions and a processor which executes the instructions [Fairchild, processor and memory, col 7 lines 20-40].
18. As per claim 58, Fairchild-Sathyanarayan disclose the circuitry comprises one or more of an application-specific integrated circuit and a programmable gate array [Fairchild, integration between applications, col 5 lines 37-50; array, col 18 lines 10-67].
19. As per claim 75, Fairchild-Sathyanarayan disclose the circuitry queues the message prior to sending the message as inherent feature of SQL database [Fairchild, SQL database, queries, col 9 lines 35-60].
20. As per claims 21,42,65,73 Fairchild-Sathyanarayan disclose passing (i.e.: forwarding) the state of the apparatus to a customer relationship management system [Fairchild, the forward logic, col 3 lines 20-37].
21. Claims 1-14 contain the similar limitations set forth of apparatus claims 43-56. Therefore, claims 1-14 are rejected for the similar rationale set forth in claims 43-56.
22. Claims 15-20 contain the similar limitations set forth of apparatus claims 43-45,53,46-47 respectively. Therefore, claims 15-20 are rejected for the similar rationale set forth in claims 43-45,53,46-47.

23. Claims 22-35,74 contain the similar limitations set forth of apparatus claims 43-58,75. Therefore, claims 22-35,74 are rejected for the similar rationale set forth in claims 43-58,75.

24. Claims 36-41 contain the similar limitations set forth of apparatus claims 43-45,53,46-47, respectively. Therefore, claims 36-41 are rejected for the similar rationale set forth in claims 43-45,53,46-47.

25. Claims 59-64,66-67 contain the similar limitations set forth of apparatus claims 43-45,53,46-47,57-58. Therefore, claims 59-64,66-67 are rejected for the similar rationale set forth in claims 43-45,53,46-47,57-58.

26. Claims 68-70 contain the similar limitations set forth of apparatus claims 43-45. Therefore, claims 68-70 are rejected for the similar rationale set forth in claims 43-45.

27. As per claim 71, Fairchild-Sathyanarayan disclose the circuitry in the second device extracts the state of the apparatus from the electronic mail message as inherent feature of event filter [Fairchild, event filter, col 6 lines 37-45]

28. As per claim 72, Fairchild-Sathyanarayan disclose the first device is embedded in the apparatus [Sathyanarayan, col 2 lines 45-col 3 line 31] and the second device comprises a remote computer [Fairchild, remote network, col 1 lines 14-30]

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29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (703) 305-9705.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
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